

IN THE SUPREME COURT OF THE STATE OF NEVADA

TEAL PETALS ST. TRUST,
Appellant,
vs.
GREEN TREE SERVICING, LLC,
Respondent.

No. 65022

FILED

NOV 20 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Malone
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from a district court order, certified as final under NRCP 54(b), granting a motion to dismiss in a quiet title action. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

The district court granted respondent's motion to dismiss, finding that appellant had failed to state a viable claim for relief because foreclosure of an NRS 116.3116(2) superpriority lien may not extinguish a first security interest. This court's recent disposition in *SFR Investments Pool 1, LLC v. U.S. Bank, N.A.*, 130 Nev. ___, 334 P.3d 408 (2014), decides that a common-interest community association's NRS 116.3116(2) superpriority lien has true priority over a first security interest, and the association may nonjudicially foreclose on that lien. The district court's decision thus was based on an erroneous interpretation of the controlling law and did not reach the other issues colorably asserted. Accordingly, we


REVERSE the order granting the motion to dismiss AND REMAND this matter to the district court for further proceedings consistent with this order.

Pickering, J.
Pickering

Saitta, J.
Saitta

PARRAGUIRRE, J., concurring:

For the reasons stated in the *SFR Investments Pool 1, LLC v. U.S. Bank, N.A.*, 130 Nev. ___, 334 P.3d 408 (2014), dissent, I disagree that respondent lost its lien priority by virtue of the homeowners association's nonjudicial foreclosure sale. I recognize, however, that *SFR Investments* is now the controlling law and, thusly, concur in the disposition of this appeal.

, J.
Parraguirre

cc: Hon. Michael Villani, District Judge
Law Offices of Michael F. Bohn, Ltd.
Brooks Hubley LLP
Eighth District Court Clerk